

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JOSEPH W. NOCITO

Criminal No. 18-35

HONORABLE JOY FLOWERS CONTI

DEFENDANT'S MOTIONS TO DISMISS THE INDICTMENT,
TO SUPPRESS PRIVILEGED MATERIALS, FOR AN EXERCISE OF THE
COURT'S SUPERVISORY POWER, AND FOR AN EVIDENTIARY HEARING
CONCERNING THESE MOTIONS

EXHIBIT A



U.S. Department of Justice

United States Attorney
Western District of Pennsylvania

U.S. Post Office & Courthouse
700 Grant Street
Suite 4000
Pittsburgh, Pennsylvania 15219 412/644-3500

January 15, 2013

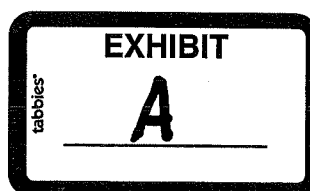
Stephen Misko, Esquire
PENNLAW, LLC
106 South Main Street
Suite 801
Butler, PA 16001

Dear Mr. Misko:

This letter sets forth the full and complete terms of the agreement entered into between this office and your client, Dennis Sundo.

It is agreed that, in exchange for the commitment of the government set forth below, your client will provide full, complete and truthful assistance and testimony in connection with an investigation into alleged tax fraud, including but not limited to violations of Title 26, United States Code, Section 7201 et. seq., allegedly committed by Joseph Nocito, Sr. and others during the period from 2007 to the present (hereinafter "the investigation"). This assistance will include the following:

1. Dennis Sundo agrees to be fully debriefed concerning his knowledge of the investigation set forth above. The debriefing of Dennis Sundo will be conducted by this office and agents of the Internal Revenue Service and/or other law enforcement agencies, as the case may require. Any and all documents or other written material, and any physical evidence of whatever description, which are relevant to the government's investigation and which are in the possession of Dennis Sundo or under his control, will be furnished to this office or to the debriefing agents. All information provided by Dennis Sundo shall be truthful, accurate, and full and complete.
2. Dennis Sundo agrees to assist agents of the aforesaid agencies in pursuing investigations



arising from information provided by Dennis Sundo. This assistance includes, but is not limited to, making undercover introductions, making consensually recorded telephone calls and/or wearing a recording device.

3. Dennis Sundo agrees to testify before the grand jury or grand juries in this district or elsewhere, as may be requested, and at any pretrial proceeding or proceedings, trial or trials, either in this district or elsewhere, as this office may require.

In consideration of, and entirely contingent upon, the aforesaid full, complete, and truthful assistance and testimony of Dennis Sundo, the United States Attorney for the Western District of Pennsylvania agrees not to use against Dennis Sundo any evidence or information so disclosed by him in the course of his assistance and testimony, and at his discretion, the United States Attorney may apply for a formal grant of immunity pursuant to Title 18, United States Code, Sections 6002 and 6003 prior to Dennis Sundo's appearance before a grand jury and/or petit jury. No other matters or activity in which Dennis Sundo may have been involved are subject to the terms of this commitment.

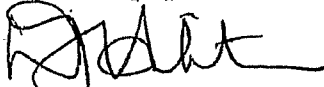
The immunity conferred above is limited to the information provided by Dennis Sundo concerning the investigation, and this agreement cannot bind other federal, state or local prosecuting authorities.

It is understood that Dennis Sundo must at all times give full, complete and truthful information and assistance to the government as well as before the grand jury and at any pretrial proceeding; trial or trials. In this respect, Dennis Sundo agrees to submit to a polygraph examination to be administered by agents of the government, if, in the opinion of this office, such tests are warranted. Should it be judged at any time by this office that Dennis Sundo has knowingly given false, misleading, or incomplete information or testimony, or refuses to, or balks at cooperating with agents or testifying before the grand jury or at any pretrial proceeding or at any trial proceeding when called as a witness by the government, this agreement may be deemed null and void by this office, and the commitment of the government not to use the information he provides against him will terminate. Dennis Sundo shall thereafter be subject to prosecution for any criminal violation of which this office has knowledge including, but not limited to the aforementioned crimes, perjury and obstruction of justice; and any information provided by Dennis Sundo in the course of his debriefing and/or testimony may be used against him in said prosecution.

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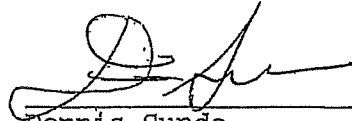
This letter sets forth the full and complete terms and conditions of the agreement between Dennis Sundo and the government, and there are no other agreements, promises, terms or conditions, express or implied.

Very truly yours,



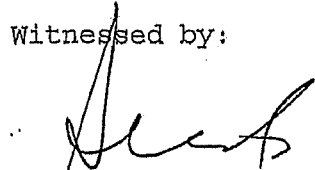
DAVID J. HICKTON
United States Attorney

I have received this letter from my attorney, Stephen Misko, Esquire, have read it and discussed it with him, and I hereby accept it and acknowledge that it fully sets forth my agreement with the Office of the United States Attorney for the Western District of Pennsylvania. I affirm that there have been no additional promises or representations made to me by any agents or officials of the United States in connection with this matter.


Dennis Sundo

2/13/13
Date

Witnessed by:


Stephen Misko, Esquire
Counsel for Dennis Sundo